

Message Text

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ACTION DLOS-05

INFO OCT-01 EUR-12 ISO-00 L-02 OES-03 DODE-00 COA-01

COME-00 NSF-01 IO-10 RSC-01 /036 W

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FM AMEMBASSY THE HAGUE

TO SECSTATE WASHDC 5143

C O N F I D E N T I A L SECTION 1 OF 2 THE HAGUE 0524

E.O. 11652: GDS

TAGS: PLOS, NL, GW

SUBJECT: LOS CONSULTATIONS ON SCIENCE

REF: STATE 020906

1. AS BASIS FOR DISCUSSIONS DURING US CONSULTATIONS WITH DUTCH, GERMANS AND DANES FEB. 6 AT THE HAGUE, WALKATE OF MFA HAS FURNISHED TWO DRAFT TEXTS (ONE DUTCH AND ONE GERMAN) ON MARINE SCIENTIFIC RESEARCH WHICH HE ASKS US PARTICIPANTS TO LOOK OVER. WALKATE NOTES THAT PAPERS ARE CONFIDENTIAL, AND THAT GERMAN TEXT IS INFORMAL, NOT HAVING BEEN CLEARED BEYOND WORKING LEVEL IN FRG.

2. DUTCH DRAFT BEGIN QUOTE:

PROPOSED AMENDMENT TO UN-DOC. A/CONF.62/C.3/L.1G

(MARINE SCIENTIFIC RESEARCH

1. DEFINITION

ARTICLE 1

1. "MARINE SCIENTIFIC RESEARCH" MEANS ANY STUDY OF AND RELATED EXPERIMENTAL WORK IN THE MARINE ENVIRONMENT, EXCLUDING ACTIVITIES AIMED DIRECTLY AT THE INDUSTRIAL EXPLORATION OR EXPLOITATION OF THE LIVING AND NON-LIVING MARINE RESOURCES, DESIGNED TO INCREASE MAN'S KNOWLEDGE AND CONDUCTED FOR PEACEFUL PURPOSES.

2. RESEARCH ACTIVITIES AIMED DIRECTLY AT THE EXPLORATION

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OR EXPLOITATION OF THE LIVING AND NON-LIVING MARINE

RESOURCES WILL BE CONDUCTED SUBJECT TO THE APPROPRIATE PROVISIONS OF THIS CONVENTION.

2. CONDITIONS

ARTICLE 6

1. MARINE SCIENTIFIC RESEARCH BEYOND THE TERRITORIAL SEA, IN AREAS WHERE A COASTAL STATE ENJOYS CERTAIN RIGHTS OVER LIVING AND NON-LIVING MARINE RESOURCES IN ACCORDANCE WITH THIS CONVENTION, SHALL BE CONDUCTED BY STATES AS WELL AS BY APPROPRIATE INTERNATIONAL ORGANIZATIONS IN SUCH A MANNER THAT THESE RIGHTS OF COASTAL STATES ARE RESPECTED, FOR WHICH PURPOSE THE COASTAL STATE SHALL:

(A) BE GIVEN AT LEAST..MONTHS' ADVANCE NOTIFICATION OF THE PROPOSED RESEARCH PROJECT.

(B) BE GIVEN AS SOON AS POSSIBLE A DETAILED DESCRIPTION OF THE RESEARCH PROJECT, INCLUDING NATURE, OBJECTIVES, METHODS AND INSTRUMENTATION, GEOGRAPHICAL AREAS IN WHICH THE ACTIVITIES WILL BE CONDUCTED, LOCATIONS AND TIME SCHEDULE, AND INFORMATION ON THE RESEARCH INSTITUTION CONCERNED, ON THE NAME, TYPE AND TONNAGE OF THE VESSEL(S) AND ON THE SCIENTIFIC STAFF TO BE EMPLOYED.

(C) BE PROMPTLY INFORMED OF ANY CHANGES WITH REGARD TO THE DESCRIPTION OF THE PROPOSED RESEARCH PROJECT.

(D) HAVE THE RIGHT TO PARTICIPATE IN ALL PHASES OF THE RESEARCH PROJECT THROUGH A QUALIFIED EXPERT TO BE APPOINTED BY THE COASTAL STATE, WHOSE RESEARCH NEEDS SHALL BE DULY TAKEN INTO ACCOUNT.

(E) HAVE ACCESS TO ALL DATA AND SAMPLES OBTAINED IN THE COURSE OF THE RESEARCH PROJECT, AND BE PROVIDED, AT ITS REQUEST, WITH DUPLICABLE DATA AND DIVISIBLE SAMPLES.

(F) BE GIVEN ASSISTANCE, AT ITS REQUEST, IN THE INTER- PRETATION OF THE RESULTS OF THE RESEARCH PROJECT

3. SETTLEMENT OF DISPUTES

ARTICLE 6

5. IF THE COASTAL STATE IS OF THE OPINION THAT THE PROPOSED RESEARCH PROJECT IS NOT IN CONFORMITY WITH PARAGRAPH 1. ABOVE, IT SHALL INFORM THE RESEARCH STATE OR ORGANIZATION OF ITS OBJECTIONS AT THE EARLIEST POSSIBLE NOTICE.

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UNLESS THE PARTIES OTHERWISE AGREE EACH PARTY SHALL CHOOSE AN EXPERTS FROM THE MEMBERS OF A PANEL OF QUALIFIED EXPERTS IN THE FIELD OF MARINE SCIENTIFIC RESEARCH, ESTABLISHED BY THE DIRECTOR-GENERAL OF U N E S C O. THE EXPERTS SHALL ASSIST THE PARTIES TO REACH AGREEMENT. IN CASE OF DISAGREEMENT A THIRD EXPERT SHALL BE APPOINTED BY THE DIRECTOR-GENERAL, AT THE REQUEST OF EITHER PARTY.

6. IF THE COASTAL STATE CONTINUES TO OBJECT TO THE PROJECT, THE DISPUTE SHALL, AT THE REQUEST OF ANY PARTY, BE SETTLED IN ACCORDANCE WITH THE PROCEDURES SET OUT IN THE RELEVANT ARTICLES OF THIS CONVENTION.
UNQUOTE

FEDERAL REPUBLIC OF GERMANY
PROPOSED AMENDMENT TO UN-DOC. A/CONF.62/C.3/L 19
(DRAFT ARTICLES ON MARINE SCIENTIFIC RESEARCH)
ARTICLE 1

1. (A) MARINE SCIENTIFIC RESEARCH MEANS ANY STUDY OF AND RELATED EXPERIMENTAL WORK IN THE MARINE ENVIRONMENT DESIGNED TO INCREASE MAN'S KNOWLEDGE AND CONDUCTED FOR PEACEFUL PURPOSES. IT DOES NOT INCLUDE PROSPECTING, EXPLORATION OR EXPLOITATION OF MINERAL RESOURCES, WHICH SHALL BE SUBJECT TO ARTICLES..... OF THIS CONVENTION.

(B) MARINE SCIENTIFIC RESEARCH COMPRISES RESEARCH CONCERNED WITH THE EXPLORATION AND EXPLOITATION OF THE LIVING AND NON-LIVING RESOURCES OF THE SEA (MARINE-RESOURCE-RESEARCH) AND RESEARCH WHICH IS NOT CONCERNED WITH SUCH ACTIVITIES (MARINE-NON-RESOURCE-RESEARCH).

2. (A) MARINE-NON-RESOURCE-RESEARCH AS REFERRED TO IN PARAGRAPH 1 (B) ABOVE SHALL BE LIMITED TO THOSE RESEARCH ACTIVITIES ENUMERATED IN A LIST ANNEXED TO THIS CONVENTION (ANNEX...). THIS LIST SHALL BE REVIEWED BY AN APPROPRIATE SCIENTIFIC BODY DESIGNATED BY... . THE PROCEDURE FOR THE REVISION OF THIS LIST IS LAID DOWN IN ANNEX... TO THIS CONVENTION.)

(B) ALL RESEARCH ACTIVITIES WHICH ARE NOT ENUMERATED IN THE LIST REFERRED TO IN PARAGRAPH 2(A) OF ARTICLE 1 SHALL BE CONSIDERED AS MARINE-RESOURCE-RESEARCH.

ARTICLES 2-5 UNCHANGED

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ARTICLE 6

1. MARINE-RESOURCE-RESEARCH BEYOND THE TERRITORIAL SEA, IN AREAS WHERE A COASTAL STATE ENJOYS CERTAIN RIGHTS OVER RESOURCES IN ACCORDANCE WITH THIS CONVENTION MAY BE CONDUCTED ONLY WITH THE CONSENT OF THE COASTAL STATE. CONSENT SHALL NOT BE WITHHELD IF THE STATE OR INTERNATIONAL ORGANIZATION MAKING AN APPLICATION TO CONDUCT SUCH RESEARCH

(A) NOTIFIES TO THE COASTAL STATE THE PROPOSED RESEARCH PROJECT AT LEAST...MONTHS PRIOR TO ITS BEGINNING;

(B) PROVIDES THE COASTAL STATE AS SOON AS POSSIBLE WITH A DETAILED DESCRIPTION OF THE RESEARCH PROJECT, INCLUDING OBJECTIVES, METHODS AND INSTRUMENTATION, LOCATIONS AND TIME SCHEDULE, AND INFORMATION ON THE RESEARCH INSTITUTION CONCERNED AND ON THE SCIENTIFIC STAFF TO BE EMPLOYED;

(C) PROMPTLY INFORMS THE COASTAL STATE OF ANY MAJOR CHANGES WITH

REGARD TO THE DESCRIPTION OF THE PROPOSED RESEARCH PROJECT;
(D) ENTITLES THE COASTAL STATE TO PARTICIPATE DIRECTLY OR
INDIRECTLY IN THE RESEARCH PROJECT;
(E) GIVES TO THE COASTAL STATE ACCESS TO ALL DATA AND SAMPLES
OBTAINED IN THE COURSE OF THE RESEARCH PROJECT AND PROVIDES
IT, AT ITS REQUEST, WITH DUBLICABLE DATA AND DIVISIBLE SAMPLES;
(F) ASSISTS THE COASTAL STATE, AT ITS REQUEST, IN THE INTER-
PRETATION OF THE RESULTS OF THE RESEARCH PROJECT.

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ACTION DLOS-05

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FM AMEMBASSY THE HAGUE

TO SECSTATE WASHDC 5144

C O N F I D E N T I A L SECTION 2 OF 2 THE HAGUE 0524

2. MARINE-NON-RESOURCE-RESEARCH BEYOND THE TERRITORIAL SEA, IN
AREAS WHERE A COASTAL STATE ENJOYS CERTAIN RIGHTS OVER RESOURCES
IN ACCORDANCE WITH THIS CONVENTION, MAY BE CONDUCTED BY STATES AS
WELL ASBY APPROPRIATE INTERNATIONAL ORGANIZATIONS IN SUCH A
MANNER THAT THESE RIGHTS OF COASTAL STATES ARE RESPECTED, FOR
WHICH PURPOSE THE COASTAL STATE SHALL:

ART. 6, PARA.1, (A)-(F) UNCHANGED

3. STATES AND APPROPRIATE INTERNATIONAL ORGANIZATIONS CONDUCTING
MARINE SCIENTIFIC RESEARCH IN THE AREAS REFERRED TO IN PARAGRAPHS
1 AND 2, ABOVE.....
REST OF ART. 6, PARA.2-

4. -ARTIKEL 6, PARA 3-
UNCHANGED

5. ARTIKEL 6, PARA 5-
UNCHANGED

-ARTIKEL 6, PARA. 4 DELETED
ARTIKEL 7

1. MARINE-RESOURCE-RESEARCH BEYOND THE AREAS SPECIFIED IN

ARTICLES 5 AND 6 ABOVE CONCERNING THE SEABED SHALL BE NOTIFIED
TO THE ISA AT LEAST...DAYS IN ADVANCE.

2. MARINE-RESOURCE-RESEARCH BEYOND THE AREAS SPECIFIED IN ARTICLES
5 AND 6 ABOVE CONCERNING THE WATER COLUMN AS WELL AS ALL MARINE-
NON-RESOURCE-RESEARCH BEYOND THESE AREAS SHALL BE FREE.

3. NO SUCH RESEARCH ACTIVITIES SHALL FORM THE LEGAL BASIS FOR
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ANY CLAIM WITH RESPECT TO ANY PART OF THAT AREA OR ITS RESOURCES.

ARTIKEL 8

UNCHANGED

ANNEX

ACTIVITIES IN NON-RESOURCES RESEARCH

(PURE SCIENCES)

1. BIOLOGY/CHEMISTRY

1.1 BIOLOGICAL AND CHEMICAL INVESTIGATIONS OF THE
SUBSTANCE-AND ENERGY BUDGET IN THE OCEAN (INCLUDING
NOXIOUS SUBSTANCES)

1.1.1 PRIMARY PRODUCTION OF PLANTS

1.1.2 QUANTIFICATION OF METABOLIC ACTIVITIES AT THE
DIFFERENT LEVELS IN FOOD CHAINS

1.1.3 DECOMPOSITION OF ORGANIC SUBSTANCES

1.1.4 CHEMICAL BASIC ANALYSIS OF OCEAN WATER

1.1.5 EXCHANGE OF SUBSTANCES BETWEEN ATMOSPHERE, OCEAN, AND
SEA FLOOR

1.1.6 CIRCULATION OF SUBSTANCES IN SEA WATER

1.2 SPATIAL DISTRIBUTION OF SUBSTANCES AND ORGANISMS

EXAMPLES:

1.2.1 PHYTONUTRIENTS, OXYGEN, TRACE SUBSTANCES UNDER
DIFFERENT HYDROGRAPHIC CONDITIONS (E.G. IN SHALLOW WATER
AREAS; IN AREAS OF UPWELLING, ETC.)

1.2.2 BOTTOM POPULATIONS IN DIFFERENT DEPTH ZONES

1.2.3 DISTRIBUTION OF THE SPECIES OF PHYTOPLANKTON AND
ZOOPLANKTON IN THE AREAS OF CERTAIN OCEAN CURRENTS

1.2.4 STRUCTURES OF MARINE LIFE COMMUNITIES UNDER DIFFERENT
ENVIRONMENTAL CONDITIONS

2. PHYSICS

2.1 GENERAL

2.1.1 FUNDAMENTAL PHYSICAL PROPERTIES (OPTICAL, ACOUSTIC,
ELECTRICAL, MECHANICAL) OF SEA WATER

2.1.2 FORMATION AND STRUCTURE OF DENSITY STRATA

2.1.3 INTERACTION OCEAN/ATMOSPHERE (E.G. THERMAL, ENERGETIC)

-SEA WAVE GENERATION

-WIND GENERATED CURRENTS

-EVAPORATION

-PRECIPITATION

-HEAT EXCHANGE

-BALANCE OF RADIATION

2.1.4 TURBULENCE, DIFFUSION

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(MIXING PROCESSES; SUSPENSION OF SOLID SUBSTANCES)

2.1.5 SPREADING AND SHIFTING OF WAVE SYSTEMS

(WIND GENERATED SWELL; TSUNAMIS)

2.1.6 SEA ICE, ITS PROPERTIES AND THE CONDITIONS FOR ITS
FORMATION

2.2 REGIONALLY OCCURRING PHYSICAL PHENOMENA

2.2.1 FORMATION AND DISTRIBUTION OF WATER MASSES

(POLAR BOTTOM WATER; DEEP UPWELLING WATER)

2.2.2 SYSTEMS OF OCEAN CURRENTS (E.G. HUMBOLDT CURRENT)
AND THEIR CLIMATIC EFFECTS

2.2.3 TIDAL STREAMS AND RESULTING TRANSPORTS

2.2.4 SEA ICE DISTRIBUTION

3 GEOLOGY/GEOPHYSICS/MORPHOLOGY

3.1 GENERAL WORLDWIDE RESEARCH

3.1.1 INVESTIGATIONS INTO THE HISTORY OF MARINE BASINS
AND THE CRUSTAL STRUCTURE; INTER ALIA: CONTINENTAL DRIFT;
PLATE TECTONICS

3.1.2 APPLICATION OF CERTAIN PHYSICAL METHODS (PALEOMAGNETICS,
PALEOGEOTHERMICS, ETC.) AS A CONTRIBUTION TO THE SOLUTION
OF QUESTIONS CONCERNING THE EARTH'S HISTORY.

3.1.3 THE FORMATION OF UNDERSEA QUAKES AND THE MORPHOLOGICAL
CONSEQUENCES (E.G. NEW FORMATION OF SEA MOUNTS AND ISLANDS)

3.1.4 SEDIMENTATION PROCESSES AND MOVEMENTS OF SEDIMENTS
INFLUENCED BY NEAR BOTTOM CURRENTS

3.2 REGIONAL GENERAL RESEARCH:

3.2.1 HYDROGRAPHIC SURVEYING; MORPHOLOGY; GEOMAGNETIC CHARTING
FOR NAVIGATIONAL PURPOSES; GRAVIMETRIC CHARTING.

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